

ORDINANCE NO. 2002 - 010

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT 01-SCA 26 COM 1 (PGA/ELLISON WILSON); MODIFYING PAGE 26 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 2.22 ACRES GENERALLY LOCATED ON THE WEST SIDE OF ELLISON WILSON, 186 FEET SOUTH OF PGA BOULEVARD, FROM HIGH RESIDENTIAL, 12 UNITS PER ACRE (HR-12) TO COMMERCIAL HIGH WITH AN UNDERLYING 12 UNITS PER ACRE (CH/12); SUBJECT TO A CONDITION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on January 26, 2001 and September 14, 2001, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter

1 163, Part II, Florida Statutes; and

2 WHEREAS, the Palm Beach County Board of County Commissioners, as
3 the governing body of Palm Beach County, conducted a public hearing
4 pursuant to Chapter 163, Part II, Florida Statutes, on April 4, 2002
5 to review the recommendations of the Local Planning Agency and to
6 consider adoption of the amendments; and

7 WHEREAS, the Palm Beach County Board of County Commissioners has
8 determined that the amendment complies with all requirements of the
9 Local Government Comprehensive Planning and Land Development
10 Regulation Act.

11 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
12 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

13 Part I. Amendments to the Future Land Use Atlas of the Land Use
14 Element of the 1989 Comprehensive Plan

15 The following amendment to the Future Land Use Element's Future
16 Land Use Atlas is hereby adopted and is attached to this Ordinance:

17 A. Future Land Use Atlas page 26 is amended as follows:

18 Application No.: 01-SCA 26 COM 1 (PGA/Ellison Wilson)

19 Amendment: From High Residential, 12 units per acre
20 (HR-12) to Commercial High with an
21 underlying 12 units per acre(CH/12);

22 General Location: West Side of Ellison Wilson Road, 186 feet
23 south of PGA Boulevard;

24 Size: Approximately 2.22 acres;

25 B. Conditions: This parcel is subject to the following
26 condition:

- 27 1. Non-residential uses on the site shall be limited to
28 office, restaurant uses and a maximum of 6,500 square
29 feet of ancillary retail space.

30 Part II. Repeal of Laws in Conflict

31 All local laws and ordinances applying to the unincorporated
32 area of Palm Beach County in conflict with any provision of this
33 ordinance are hereby repealed to the extent of such conflict.
34

35 Part III. Severability

36 If any section, paragraph, sentence, clause, phrase, or word of

1 this Ordinance is for any reason held by the Court to be
2 unconstitutional, inoperative or void, such holding shall not affect
3 the remainder of this Ordinance.

4 Part IV. Inclusion in the 1989 Comprehensive Plan

5 The provisions of this Ordinance shall become and be made a part
6 of the 1989 Palm Beach County Comprehensive Plan. The Sections of
7 the Ordinance may be renumbered or relettered to accomplish such, and
8 the word "ordinance" may be changed to "section," "article," or any
9 other appropriate word.

10 Part V. Effective Date

11 This amendment shall not become effective until 31 days after
12 adoption. If challenged within 30 days after adoption, this
13 amendment shall not become effective until the state land planning
14 agency or the Administration Commission, respectively, issues a final
15 order determining the amendment is in compliance.

16 APPROVED AND ADOPTED by the Board of County Commissioners of
17 Palm Beach County, on the 4 day of April, 2002.

18
19 ATTEST:
20 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

21
22
23 By Warren H. Newell
24 Warren H. Newell, Chairman

25
26 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

27
28
29 ★ COUNTY ATTORNEY

30
31 Filed with the Department of State on the 10 day
32 of April, 2002.
33

EXHIBIT 1

Amendment No.: 01-SCA 26 COM 1 (PGA/Ellison Wilson)

FLUA Page No.: 26

Amendment: From High Residential, 12 units per acre (HR-12) to Commercial High with an underlying 12 units per acre (CH/12).

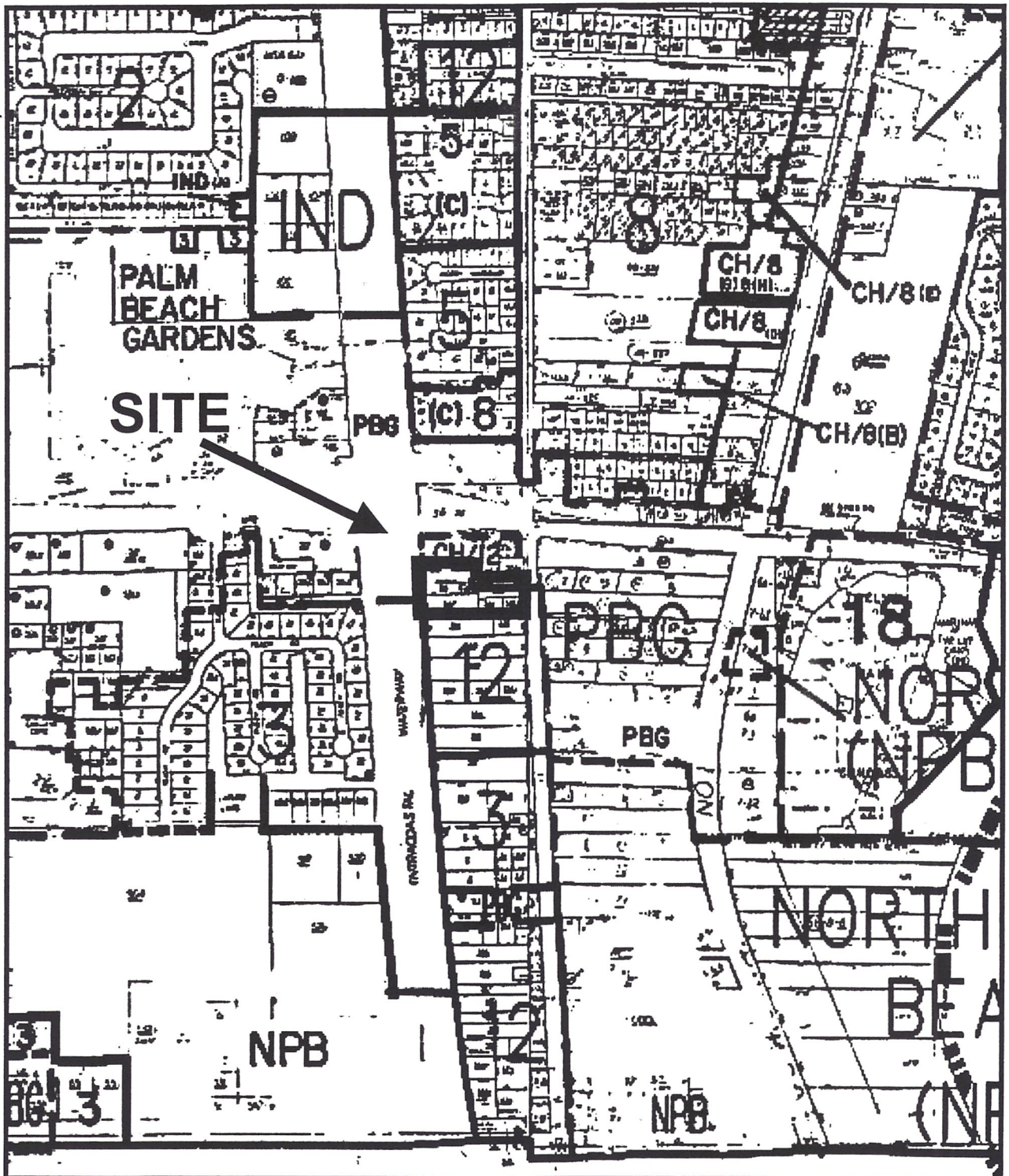
Location: West side of Ellison Wilson Road and 186 feet south of PGA Boulevard.

Size: Approximately 2.22 acres

Property No.: 00-43-42-05-00-000-5100, 5910, 5150, 5110, 5270, 5480, 5470, 5880, 5481

Legal Description: See attached

Conditions: Non-residential uses on the site shall be limited to office, restaurant uses and a maximum of 6,500 square feet of ancillary retail space.



Parcel 548

The West 100 feet of the East 233 feet of the South 50 feet of the North Quarter of the Northeast Quarter of the Southeast Quarter; and the West 100 feet of the East 233 feet of the North 85 feet of the South half of the North half of the Northeast Quarter of the Southeast Quarter all in Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida.

Together with an easement over the North 20 feet of the South 65 feet of the North Quarter of the Northeast Quarter of the Southeast Quarter of Section 5, Township 42 South, Range 43 East, between the Intracoastal Waterway and Ellison Wilson Road.

Together with:

The West 100 feet of the East 133 feet of the South 50 feet of the North Quarter of the Northeast Quarter of the Southeast Quarter and the West 100 feet of the East 133 feet of the North 85 feet of the South half of the North half of the Northeast Quarter of the Southeast Quarter all in Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida.

Less and excepting the following described parcel:

The West 200 feet of the East 233 feet of the South 65 feet of the North 85 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida.

Together with easements for road and public utilities over the following parcels:

The South 15 feet of the East 200 feet of the North 100 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 5.

The North 20 feet of the South 65 feet of that part of the North 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 5 lying between the Intracoastal Waterway and Ellison Wilson Road.

The West 10 feet of the East 143 feet of the South 45 feet of the North 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 5; and

The West 10 feet of the East 143 feet of the North 20 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 5.

Subject to restrictions, reservations, limitations, easements of record and taxes for the year 1991 and subsequent years.

Parcel 591

Begin at the Northeast corner of the Southeast quarter of Section 5, Township 42 South, Range 43 East, thence run South 0° 56' 14" East along the East line of the Southeast quarter of said Section 5, a distance of 187.13 feet to a point; thence North 88° 24' 27" West, a distance of 320.04 feet for a POINT OF BEGINNING, thence continue North 88° 24' 27" West, a distance of 60 feet to a point; thence South 0° 56' 14" East, a distance of 90 feet to a point; thence South 88° 24' 27" East, a distance of 60 feet to a point; thence North 0° 56' 14" West, a distance of 90 feet to the POINT and PLACE OF BEGINNING. Lying and being in the North 100 feet of the South 150 feet of the North quarter of the Northeast quarter of the Southeast quarter of Section 5, Township 42 South, Range 43 East, East of Intracoastal Waterway, Palm Beach County, Florida.

Together with a right-of-way and easement for ingress and egress the South 10 feet of the North 100 feet of the South 150 feet of the North Quarter of the Northeast Quarter of the Southeast Quarter lying East of the Intracoastal Waterway in Section 5, Township 42 South, Range 43 East.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on April 4, 2002
DATED at West Palm Beach, FL on 4/18/02
DOROTHY H. WILKEN, Clerk
By: Wane Brown D.C.